IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1682 OF 2005

Ashok Vikram Co-operative Housing Society Ltd. ...Petitioner.
Versus
Vijay Ramchandra Joshi. ...Respondent.
.....
Mr.Jaydeep S. Deo and Ms. Ketaki V.Deshpande for the Petitioner.
.....

CORAM : DR. D.Y. CHANDRACHUD, J.

August 30, 2005.

P.C.:

Both, the Co-operative Court and the Co-operative Appellate Court have proceeded on the basis that the Respondent was admitted as a nominal member of the Co-operative Society. Section 2(19) of the Maharashtra Co-operative Societies' Act, 1960, defines 'a member' to include a nominal member, associate member or a sympathiser member. In the present case, the Society had a grievance inter alia in respect of the manner in which the Respondent was carrying out construction. Now, it is an admitted position that the procedure for expulsion was not followed as prescribed in Section 35 of the Act. It was the Managing

Committee which purported to pass a resolution revoking the membership of the Respondent. In these circumstances, the Co-operative Appellate Court was justified in coming to the conclusion that the Respondent being admittedly a nominal member, his membership had to be terminated in accordance with law and since the procedure prescribed for carrying out an expulsion has not been followed, the action of the Co-operative Society was not valid. In these circumstances, there is no merit in the petition. The petition is accordingly dismissed.

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